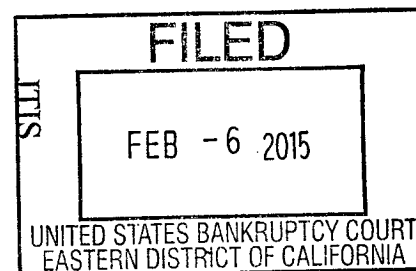


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8 UNITED STATES BANKRUPTCY COURT

9 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

10
 11 In re:

12 T BAR M RANCH, LLC, an Oklahoma
 limited liability company,

13 Debtor.

15-20840
 Case No. ~~2015-20844~~-B-11 *DM*

Chapter 11

DCN: FWP-2

14 **DECLARATION OF GERRIT BRUINS IN**
 15 **SUPPORT OF OPPOSITION MOTION**
 16 **FOR AUTHORITY TO USE CASH**
 17 **COLLATERAL, ETC.**

Date: February 6, 2015

Time: 3:00 p.m.

Crtm.: 32, Dept. B

The Honorable Christopher D. Jaime

18
 19
 20 I, Gerrit Bruins, declare as follows:

21 1. I am an individual and I reside in the State of Texas. I was hired by Sam Heigle
 22 ("Receiver"), the receiver appointed in the action that Bank of the West filed against Tollenaar
 23 Holsteins, et al. in the District Court of Bryan County, State of Oklahoma, to assist the Receiver
 24 with the operation of the Oklahoma dairy farm operations of T Bar M Ranch ("Oklahoma Dairy").
 25 From Friday, January 30, 2015 through the end of the day on Wednesday, February 5, 2015, I ran
 26 the dairy operations of the Oklahoma dairy for the Receiver and T Bar M Ranch. The facts stated
 27 in this Declaration are based on my personal observations of, and my involvement in the dairy
 28 operations of the Dairy Farm. I have personal knowledge of the facts set forth herein, and if

1 called as a witness, I could and would competently testify thereto.

2 2. Since 1999, I have been involved with dairy farms and cattle operations. My
3 experience includes running a 2,500 cow dairy as a herdsman, working for a dairy development
4 company that assisted dairy farmers with starting up their dairy farm operations, working with a
5 dairy owner to build up his private dairy farm, and working for an auction company that sold dairy
6 farms and dairy cattle. I raise dairy heifers on my property and I buy and sell dairy cattle.

7 3. From January 30, 2015 to February 5, 2015, while I was in charge of the Oklahoma
8 Dairy, I ordered feed for the cattle; I directed the employees in their work assignments; I changed
9 the food rations for the cattle to improve their milk production and health; I oversaw the calving
10 operation; I helped load cattle on trailers to send them off to a yard for auction, I sold
11 approximately 18 baby bull calves, and I generally ran the daily operations of the dairy.

12 4. While performing my duties and responsibilities at the Oklahoma Dairy, I observed
13 the following conditions that caused me to conclude that the Dairy Farm was being mismanaged.
14 The grain supply at the Dairy Farm was very low when I arrived. I estimated that there was one
15 day's food supply for the dairy herd. It consisted of approximately five tons of a hominy and corn
16 mix, approximately ten tons of corn gluten, approximately ten tons of onions, and a large pile of
17 chicken manure. I learned that the cows were being fed mostly wheat stray, which has little
18 nutrient value. I immediately ordered additional food for the cattle and changed their food rations.
19 I also stopped feeding the cattle the chicken manure. I reduced feeding the milking cows onions
20 by fifty percent because if a cow eats too many onions, it taints the milk and it will not be accepted
21 at a creamery.

22 5. I observed that the calving operation was being mismanaged. The calving
23 operation had been set up so that a few times a year, all heifers and cows would be synchronized
24 (brought into heat) and then artificially inseminated at one time. This caused a significant number
25 of calves to be born over short periods of time. I am informed and believe that over recent two
26 week period, one hundred and fifty (150) calves were born. The Oklahoma Dairy does not have
27 the crew or proper amount of grain and medicine to care for this many calves. The crew was
28 attempting to bottle feed the calves which was ineffective. I observed that the weaned calves

1 were malnourished and sickly. I believe a significant number of calves were infected with the rota
2 and corona viruses. The calves were not being administered the antibiotics and vaccines required
3 to fight these viruses. I located a small supply of vaccine and administered it to the calves. There
4 was not enough to vaccinate all calves. These conditions jeopardized the lives and the health of
5 the calves.

6 6. I observed that the cows that had just delivered calves were not being fed the
7 proper rations of high energy food. This high energy food was needed for the cows' bodies to
8 produce milk for the new born calves. The result was that the cows bodies were straining to
9 produce milk and losing too much muscle mass. These cows were overly thin and in jeopardy of
10 drying up.

11 7. With regard to the general milking herd, due to the improper diet and food rations
12 they were being supplied, many cows were drying up. It was necessary for me to sort a number of
13 the milking cows to be beefed, because the little milk supply did not justify providing them with
14 the high energy grain required to produce milk. Due to the improper diet and food rations for the
15 milking cows, the cows were under producing milk. The cows were producing approximately
16 thirty (30) pounds of milk per day each. The industry standard is sixty to seventy five (60 – 75)
17 pounds of milk per day each.

18 8. While helping to load heifers and calves for the trip to the auction yard, I observed
19 that many of the heifers were malnourished and weak and it was questionable whether they would
20 survive the trip. One calf, in particular, obviously had pneumonia. It was foaming at the mouth. I
21 insisted that this calf be removed from the group going to auction. Dairy staff took it to a stall.
22 Later, I inquired what happened to the calf and learned that it was not being cared for. I found the
23 calf in a stall and administered an antibiotic and I provided it with food. I checked on this calf
24 before I left the Oklahoma dairy and it appeared as though it would survive.

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3 9. While I was working at the Oklahoma dairy, I took a number of photographs of the
4 heifers at the Dairy farm. True and correct copies of these photographs are attached hereto
5 collectively as Exhibit "A."

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8 Executed February 6, 2015, at Oklahoma City, Oklahoma.

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Gerrit Bruins

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